


CERTIFICATE OF MAILING
37 C.F.R. § 1.8

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December 22, 1999
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Shelley P.M. Fussey

DEP/Ref
Rm 307
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Price

Serial No.: 08/951,188

Filed: October 15, 1997

For: P-TEFb COMPOSITIONS,
METHODS AND
SCREENING ASSAYS

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Group Art Unit: 1652

Examiner: P. Tung

Atty. Dkt. No.: 4200.000200

Former Dkt.: IOWA:012

REQUEST FOR REFUND OF IMPROPER CHARGE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The present document is a request for a refund of fees that were improperly charged to the above-identified application and improperly deducted from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4200.000200.

As shown in the attached monthly statement dated October 29, 1999 (copy attached as **Exhibit A**), an excess claim fee of \$594.00 was recently deducted in connection with this application (Attorney Docket. No. 4200.000200; former Docket No. IOWA:012). The Patent

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Office did not provide any reasoning to support the amount of the fee deducted. No matter what criteria are applied, the fee is believed to be in significant excess and a refund is hereby respectfully requested.

The current small entity excess claim fee, *i.e.*, after accounting for three independent claims and twenty total claims, is believed to be \$1017 (\$234 for six extra independent claims and \$783 for the excess claims in total; see **Exhibit B**). Comparing the \$1017 excess apparently now due to the \$845 excess claim fees already paid (submitted April 16, 1998), the difference is only \$172.

The \$172 now due does not even approximate to the \$594 deducted from Applicant's representatives' account. Accordingly, Applicant respectfully requests a refund in the amount of \$422 (\$594 minus \$172). Should the Office have overlooked the properly and timely filed Small Entity Declaration, still valid in this case, a copy of this document is presently attached as **Exhibit C**.

Should the Office have used a different method to calculate the amount of the fee deducted, Applicant is currently at a loss as to how to further contest the Office's reasoning. In the absence of a refund of \$422, Applicant therefore respectfully requests that the Office particularly point out how the additional fee of \$594 was calculated and further requests that a new time period for response be set, allowing Applicant to formulate a Supplemental Request for Refund.

In any event, it is evident that a refund is due. The Assistant Commissioner is therefore respectfully requested to issue a refund in the order of \$422 and to credit this amount to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4200.000200. Should the

Office have any questions, a telephone call to Applicant's undersigned representative is earnestly solicited.

Respectfully submitted,



Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458

Agent for Applicant

WILLIAMS, MORGAN & AMERSON
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7000

Date: December 22, 1999

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December 22, 1999

FILE: 4200.000200

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Shelley P.M. Fussey

Assistant Commissioner for Patents
Washington, DC 20231

U.S. Patent Application Serial No. 08/951,188; Entitled: "P-TEFb Compositions, Methods and Screening Assays"; David Price; Client Reference: UIRF N7-20

Sir:

Enclosed for filing in the above-referenced patent application are:

- (1) A Request for Refund of Improper Charge, with Exhibits A, B and C; and
- (2) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Assistant Commissioner is authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4200.000200.

Respectfully submitted,

Shelley P.M. Fussey, Ph.D.
Reg. No. 39,458
Patent Agent

Encls:

WILLIAMS, MORGAN & AMERSON, P.C.

Assistant Commissioner for Patents

December 22, 1999

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bcc: Ms. Brenda Akins (w/encls)
Dr. W. Bruce Wheaton



EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

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WILLIAMS, MORGAN & AMERSON

Acc unt No.	500786
Date	10-29-99
Page	1

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FINA

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10	5	99	30	PAYMENT	4200.	701	-1764.00	4154.00
10	19	99	4	08951188	IOWA:012/FUS	103	594.00	3560.00
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10	25	99	308	PCT/US99/20455	4300.012410	801	20.00	4572.00
10	28	99	80	09363508	2007.011100	105	130.00	4442.00
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				2390.00	744.00		2796.00	4442.00